

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY MAY 3, 2006

AMENDED IN ASSEMBLY APRIL 20, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2510

Introduced by Assembly Member Lieu

February 23, 2006

An act to amend Section 11605 of, and to add Section 11605.1 to, the Health and Safety Code, relating to pupils.

LEGISLATIVE COUNSEL’S DIGEST

AB 2510, as amended, Lieu. Pupils: survey: harassment.

Existing law requires the Attorney General to conduct a biennial survey of drug and alcohol use among pupils enrolled in grades 7, 9, and 11, and to prepare and distribute a report on the findings of the survey, as specified.

This bill would require the survey to also assess the experiences of pupils with harassment and bullying, as specified, and would permit the survey to include the assessment of other related topics. The bill would change the timing for the release of the findings of the survey from May to September *of each even-numbered year*. This bill would require the Attorney General to prepare and distribute a separate report focusing on bias-related discrimination and harassment incidents, as specified.

The bill would require the Attorney General, in collaboration with the State Department of Education, to prepare and distribute a supplemental report, as specified, focusing on bias-related discrimination and harassment incidents disaggregated by race, ethnicity, gender, and sexual orientation, if funding is appropriated for this purpose in the annual Budget Act ~~or~~, another statute, *or other source of funding provided or approved by the Legislature*. The bill would require the Attorney General ~~to award to a qualifying entity a contract to prepare the supplemental report. The bill would require the contract to be awarded through a competitive request for proposal process, as specified. The bill would require the entity that is awarded the contract to~~, in preparing the supplemental report, ~~to consult and partner with organizations and researchers with expertise in bias-related discrimination and harassment solicit input from community organizations that deal with the subject areas of bias-related harassment and discrimination.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11605 of the Health and Safety Code is
- 2 amended to read:
- 3 11605. (a) ~~Commencing with the 1991-92 fiscal year, the~~
- 4 ~~The Attorney General, in consultation with the Governor's Policy~~
- 5 ~~Council on Alcohol and Drug Abuse~~ *other state agencies*, shall
- 6 conduct a biennial survey of drug and alcohol use and experience
- 7 with harassment and bullying among pupils enrolled in grades 7,
- 8 9, and 11. The survey shall assess all of the following:
- 9 (1) The frequency and type of substance abuse.
- 10 (2) The age of first use and intoxication.
- 11 (3) Pertinent attitudes and experiences of pupils.
- 12 (4) The experience of pupils with harassment and bullying,
- 13 including bias-related discrimination and harassment based on
- 14 the characteristics set forth in Section 220 of the Education Code
- 15 and Section 422.55 of the Penal Code.
- 16 (b) The survey also may assess any of the following:
- 17 (1) The frequency and type of harassment and bullying,
- 18 including bias-related discrimination and harassment incidents,

1 including, but not limited to, verbal harassment and physical
2 assaults.

3 (2) The pupil's ability to report and frequency of reporting
4 harassment and bullying, including bias-related discrimination
5 and harassment incidents.

6 (3) The outcome of reporting harassment and bullying,
7 including bias-related discrimination and harassment incidents.

8 (4) The risk factors associated with school dropouts.

9 (c) The biennial survey shall be based on a statewide sample
10 of pupils enrolled in grades 7, 9, and 11 and shall be consistent
11 with the surveys conducted by the office of the Attorney General
12 ~~in the 1985-86, 1987-88, and 1989-90 fiscal years.~~ *in previous*
13 *years.*

14 (d) The Attorney General shall release the findings of the
15 survey on or before September of each even-numbered year and
16 shall prepare and distribute a report on the ~~overall survey results~~
17 ~~and a separate report focusing on bias-related discrimination and~~
18 ~~harassment incidents disaggregated by race, ethnicity, gender,~~
19 ~~and sexual orientation~~ to the Legislature, the Governor, the
20 Superintendent of Public Instruction, law enforcement agencies,
21 school districts, and interested members of the general public.

22 (e) In conducting the survey, the Attorney General shall ensure
23 that the confidentiality of participating school districts and pupils
24 shall be maintained. Pupil questionnaires and answer sheets shall
25 be exempt from the public disclosure requirements prescribed by
26 Chapter 3.5 (commencing with Section 6250) of Division 7 of
27 Title 1 of the Government Code.

28 (f) Persons reporting data pursuant to the requirements of this
29 article shall not be liable for damages in any action based upon
30 the use or misuse of pupil surveys that are mailed or otherwise
31 transmitted to the Attorney General, or his or her designee.

32 (g) The requirements prescribed by this article shall continue
33 to be funded with the existing resources of the Attorney General,
34 *unless the Legislature specifically provides an appropriation for*
35 *this purpose.*

36 SEC. 2. Section 11605.1 is added to the Health and Safety
37 Code, to read:

38 11605.1. (a) Subject to an appropriation for this purpose in
39 the annual Budget Act ~~or another statute,~~ *another statute, or*
40 *other source of funding provided or approved by the Legislature,*

1 the Attorney General, in collaboration with the State Department
2 of Education, shall prepare and distribute a supplemental report
3 on or before ~~September~~ *December 31* of each even-numbered
4 year analyzing the survey results pursuant to paragraph (4) of
5 subdivision (a) of Section 11605, ~~focusing on the California~~
6 *Healthy Kids Survey prepared in accordance with Title IV of the*
7 *federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6307 et*
8 *seq.). The supplemental report shall focus on bias-related*
9 *discrimination and harassment incidents disaggregated by race,*
10 *ethnicity, gender, and sexual orientation, to the Legislature, the*
11 *Governor, the Superintendent of Public Instruction, law*
12 *enforcement agencies, school districts, and interested members of*
13 *the general public. In preparing the supplemental report, the*
14 *Attorney General shall consult and partner with organizations*
15 *and researchers with expertise in bias-related discrimination and*
16 *harassment.*

17 *(b) The Office of the Attorney General shall award to a*
18 *qualifying entity a contract to prepare the supplemental report*
19 *required by subdivision (a). The entity shall be selected through*
20 *a competitive request for proposal process. Criteria used to*
21 *evaluate a proposal shall include, but not be limited to, the extent*
22 *of experience and expertise in research on bias-related*
23 *harassment and discrimination issues facing youth. In preparing*
24 *the supplemental report, the entity shall solicit input from*
25 *community organizations that deal with the subject areas of*
26 *bias-related harassment and discrimination.*